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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,232	05/03/2006	Takayuki Shimutani	2271/76217	9478
23432	7590	02/18/2010		
COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112			EXAMINER ZHANG, FAN	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 02/18/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/578,232

Applicant(s)

SHIMATANI, TAKAYUKI

Examiner

FAN ZHANG

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625

/FAN ZHANG/
Examiner, Art Unit 2625

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant's amendment made on claim 1 will be entered since it involves only minor corrections.

Applicant's remarks received on 02/02/10 with regard to claim 1 have been acknowledged but not found persuasive. With respect to Kadota reference, Applicant argues that Kadota does not teach "obtaining from the registry, in a case where the two-way communication is enabled, printer information set by the operating system of the client computer." Examiner respectfully disagrees. Kadota discloses the claimed language in [p0106-p0108]. According to Kadota a printing command issued by the application software 2a or the application software 3a provided by an operating system is first transmitted to MFP1. Since bi-directional communication is always enabled, printing data from MFP1 can be obtained through TWAIN driver in the PC2 or PC3 regardless whether the operating system supports bi-directional communication.

With respect to Tokura reference, Applicant argues that Tokura does not teach: "(a) obtaining from a registry of the client computer a two-way communication flag which is set by a user utilizing a user interface of the client computer; and if the two-way communication flag is in the state where the two-way communication is enabled, enabling two-way communication regardless of an operating system of the client computer and obtaining status information of the printer via the server computer; (b) obtaining from the registry, in a case where the two-way communication is enabled, printer information set by the operating system of the client computer; and (c) determining whether a two-way flag of the printer information is ON after the printer information is obtained, and in a case where the two-way flag is ON, executing the two-way communication. Examiner respectfully disagrees. First of all, since the part "(a) ...enabling two-way communication regardless of an operating system of the client computer and obtaining status information of the printer via the server computer; (b) obtaining from the registry, in a case where the two-way communication is enabled, printer information set by the operating system of the client computer;" has been taught by Kadota as indicated above and in the previous office action, Tokura reference is used to mainly focus on what Kadota is not teaching. For the claim language: "(a) obtaining from a registry of the client computer a two-way communication flag which is set by a user utilizing a user interface of the client computer; and if the two-way communication flag is in the state where the two-way communication is enabled, enabling two-way communication;" Tokura discloses it in col 5, lines 20-35: "The display controller 106 displays a picture plane...to select whether the host computer 100 and printer 107 always perform a bi-directional communication or not and a picture plane...to select whether the bi-directional communication is executed by a time designation or not onto a display apparatus..., thereby allowing the user to select and instruct a desired communicating method... The print command output section performs the bi-directional communicating process with the printer 107 on the basis of the above information." Here, the user's choice on selecting whether a bi-directional communication is performed or not is considered as the claimed two-way communication flag which is set by a user. Applicant further argues that Tokura does not teach such flag stored in a registry of a client computer. As clearly illustrated in fig. 2 of Tokura, the flag/choice set by a user at step (1) directly affects all the rest steps in succession; and if such a flag/choice is not saved in a registry/memory temporarily, how could the rest steps be performed based on the status/result of the flag/choice? Tokura further teaches: "(c) determining whether a two-way flag of the printer information is ON after the printer information is obtained, and in a case where the two-way flag is ON, executing the two-way communication," in figs. 2 and 3, step 7. Here, giving broadest reasonable interpretation, whether a two-way flag of the printer information is on is interpreted as whether there is a print request from application is present. And execute the two-way communication if such a request is present. Therefore, with the above explanation, Examiner considers the claimed invention obvious under the combined teaching of Kadota and Tokura..